

May 22, 2012

Jeffrey Heidrich  
Heidrich Homes, Inc.  
1901 30<sup>th</sup> Ave NE  
Minot, North Dakota 58703

Re: Third Party Damage Complaint Case No. PU-12-198

Dear Mr. Heidrich:

Enclosed is a copy of a Third Party Damage Complaint against Heidrich Homes, Inc. (Heidrich) received by the North Dakota Public Service Commission (Commission) on May 15, 2012 from an anonymous individual. The location of the damage was in Ward County at 3590 13<sup>th</sup> St NE, Minot, ND.

Please respond to the Commission **by June 6, 2012**, with your written account of the event. Your response, the complaint, and other available information will be reviewed to determine whether Commission staff will file a formal complaint.

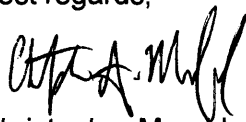
Your response should also address the following criteria used to determine the amount of civil penalty, if any, to be recommended by Commission staff as part of a formal complaint:

- a) The nature, circumstances, and severity of the complaint;
- b) The degree of suspected fault on the part of the excavator;
- c) Excavator's history of prior violations or complaints;
- d) Excavator's ability to pay;
- e) Any good faith effort by the excavator in attempting to achieve compliance; and
- f) The effect the penalty may have on the excavator's ability to continue in business.

North Dakota Century Code section 49-07-01.1 provides for a civil penalty not to exceed five thousand dollars for violations of the One Call law.

If you have any questions please call me at 701-328-4052 or e-mail to [camarohl@nd.gov](mailto:camarohl@nd.gov).

Best regards,



Christopher Marohl  
Public Utility Analyst



### THIRD PARTY DAMAGE COMPLAINT

Public Service Commission  
SFN 59067 (12-11)

#### PART A – WHO IS SUBMITTING THIS COMPLAINT

Information Being Submitted By <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Company*	Company/Organization	Person Filing Information Anonymous	Position	
Address of Person Filing Information	City		State	Zip Code
Telephone Number 701 660 8324	Email Address nfnsquared@gmail.com		Date 5/15/2012	

#### PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Heidrich Homes, Inc		Telephone Number 701-852-4276		
Address 1901 30th Ave NE	City Minot	State ND	Zip Code 58703	
Name of Entity for Which Excavation Was Performed Nedrose Township- L. Pat Walsh		Telephone Number 701-838-8344		
Address 2750 42nd Street NE	City Minot	State ND	Zip Code 58703	

#### PART C – DATE AND LOCATION OF THE EVENT

Date of Event 5/4/2012	Address of the Excavation and/or Damage 3590 13th St NE			
County Ward	City Minot	State ND	Zip Code 58703	

#### PART D – FACILITY INVOLVED

Type of Facility Involved	Operator of Facility and Contact Person (if known)			
Address	City	State	Zip Code	
Telephone Number	Email Address (if known)			
Brief Description of Facility Involved excavation of 13th St NE just south of 36th Ave NE to put in a culvert for drainage. According to OneCall, the contractor did not make a request for marking the area.				

**PART E – DAMAGE (if applicable)**

Fatalities	Injuries	Length of Hospitalization, if Applicable
Estimated Value of Property Damage: \$		Number of Customers Affected
Damaged Within <input type="checkbox"/> Public Property <input type="checkbox"/> Private Property		Photos of Damaged Facility <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please include copies)

**PART F – EXCAVATION**

Was a locate requested from North Dakota One-Call?	
<input type="checkbox"/> Yes    Locate Ticket Number _____ <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket <input style="width: 100px;" type="text"/>
Did excavator wait until the start date/time on the ticket before commencing excavation?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A	
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> N/A	

**PART G – MARKING**

Were facilities marked?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Were utility/facility marks visible in the area of excavation?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Were the utility/facilities marked correctly?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Was the marking complete prior to the start time on the ticket?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Did the excavator pre-mark with white paint?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Was the facility marked accurately within 24 inches horizontally?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Did the excavator use reasonable care to maintain locate marks for the life of project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A

**PART H – DESCRIPTION OF EVENT**

Description of Event  excavation of 13th St NE just south of 36th Ave NE to put in a culvert for drainage. According to OneCall, the contractor did not make a request for marking the area.
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Description of Event Continued

[Empty box for Description of Event Continued]

**PART I – SIGNATURE**

Signature of Person Filing Complaint	Date
Anonymous	5/15/2012

Please include additional documents and photos, if applicable.

**\*If you are filing on behalf of a company, please provide information supporting your authority to file this complaint.**

Send Completed, Original Complaint To:  
Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck ND 58505-0480  
Telephone: (701) 328-2400

**Email to the Commission**